

MEMO ENDORSED**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In light of this Court's Report and Recommendation of today's date, and the fact that discovery remains stayed at this time, the within motion is denied without prejudice.

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DATE FILED: 1/7/09

ELIZABETH SILVER,

Plaintiff,

-against-

MARIO HERMANDEZ LAVANDEIRA, JR.,
a/k/a MARIO LAVANDEIRA, a/k/a PEREZ
HILTON, COOL LAVA ENTERTAINMENT
INC., HENRY COPELAND, PRESSFLEX LLC,
and BLOGADS LLC,

Defendants.

Case No. 08-CV-6522 (JSR)

**NOTICE OF MOTION
FOR ORDER REQUIRING
POSTING OF BOND**
SO ORDERED: DATE: 1/7/09

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DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Jeffrey M. Eilender, dated December 17, 2008, and the exhibits annexed thereto; and the accompanying Memorandum of Law, dated December 17, 2008, Defendants Mario Lavandeira, Cool Lava Entertainment Inc., Henry Copeland, Pressflex LLC and Blogads, through their undersigned counsel, will move this Court at the Courtroom of the Honorable Debra J. Freeman, United States Magistrate Judge, at a date and time to be set by the Court, at the United States Courthouse, located at 500 Pearl Street, New York, New York 10007, for an Order, pursuant to Local Civil Rule 54.2 of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York, requiring Plaintiff *Pro Se* Elizabeth Silver to post \$200,000 bond (or a bond in an amount deemed reasonable by the Court) as security for Defendants' fees and costs which are potentially recoverable under the Copyright, Lanham and Digital Millennium Copyright Acts.

PLEASE TAKE FURTHER NOTICE that during a December 10, 2008 telephone conference, Defendants' counsel was instructed by Judge Rakoff's chambers to make this motion directly to Magistrate Judge Freeman, and to so inform her by letter, which has been done with

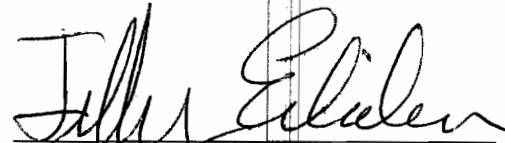
the cover letter accompanying the courtesy copies of this motion that was delivered to Magistrate Judge Freeman's chambers.

PLEASE TAKE FURTHER NOTICE that, unless otherwise ordered by the Court, the time for service and filing of answering papers, if any, and reply papers, if any, in connection with this motion shall be as set forth in Local Civil Rule 6.1(b).

Dated: New York, New York
December 17, 2008

Respectfully submitted,
SCHLAM STONE & DOLAN, LLP

By:

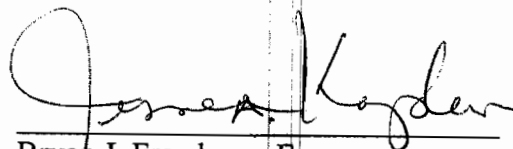


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-and-

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Pro Se Plaintiff